



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,740	07/25/2001	Turguy Goker	50103-352	5600

7590 02/10/2004

John A. Hankins
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,740

Applicant(s)

GOKER ET AL.

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the appeal brief 12/22/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 18-20 are objected to because of the following informalities: Line 2, "a guide arm motor" should be --said guide arm motor--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohshita, EP 0467143 A2.

Referring to claims 1-2, Ohshita teaches a tape drive mechanism comprising a hub filler (a leader block, 3) coupled to a guide rail (5b); and means for preventing detachment (comprising: a guide arm 17, 18, coupled to the hub filler 3; and a guide arm motor 21 coupled to the guide arm 17, 18) of an end of tape (2) from the hub filler (3) during a tape unloading operation, as shown in figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3654

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshita, EP 0467143 A2, in view of Rueger, U.S. Patent No. 4399936.

Referring to claims 3-4, 9, 11, and 16-17, Ohshita teaches a tape drive mechanism comprising a hub filler (a leader block, 3) coupled to a guide rail (5b); and means for preventing detachment (comprising: a guide arm 17, 18, coupled to the hub filler 3; and a guide arm motor 21 coupled to the guide arm 17, 18) of an end of tape (2) from the hub filler (3) during a tape unloading operation, as shown in figure 3.

Ohshita does not explain the speed of the cartridge motor relative the motor of the guide arm to insure if the hub filler is being dragged by the tape.

Rueger teaches the guide arm (52, 54,...etc.) and the guide arm motor (71) are arranged to provide drag on a tape (16)/and arranged to be dragged by the tape being unloaded from the tape drive mechanism (since the leader block 3 is attached by the tape 16 and the drive motor 20 winds the tape 16 which pulls the leader block 3, thus dragged by the tape 16 and also producing a frictional force), as shown in figures 1-2, and explained in column 7, lines 12-20.

Furthermore, Rueger shows the guide arm and the guide arm motor are arranged to controllably drag on a tape (since the motor 71 of the guide arm can also be used along with the drive motor 20, thereby understanding that the motors are controlled to adjust the drag on a tape), as shown in figures 1-2, and explained in column 7, lines 12-20.

Ohshita discloses the claimed invention except for the guide arm motor arranged to be dragged/controlled drag by the tape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Ohshita to provide the guide arm motor to be dragged by the tape, as taught by Rueger, to prevent the tape from having slack which causes jamming.

With respect to claims 5-8, 12-15, and 18-20, as applied to claims above, Ohshita in view of Rueger inherently teach electrical induction and magnetic resistance, since electric motor has a magnetic core producing magnetic resistance and generating voltage which can be determined by $V(L)=L(\text{inductance}) \times (di/dt)$. As explained above, dragging the hub filler will produce tension on the tape and frictional resistance by the guide arm since it is attached to the hub filler, which applies force to the hub filler in an opposite direction to a direction that the hub filler is traveling in the unloading operation.

Response to Arguments

Claim 10 has been canceled.

In view of the appeal brief filed on 12/22/03, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

Art Unit: 3654

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

1/30/04



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600